



Clerk of US Court Eastern District of MI, Southern Division,
Theodore Levin US Courthouse
231 West Lafayette Boulevard
Detroit MI, 48226

Subject: Case No. 12-MD-02311 HON. SEAN F. COX

"Attention Clerk of Court:

The address on the returned letter was sent to an address which is not Noble
Construction Equipment.

As such, consider this an objection to paying attorney fees because the attorneys do not
correctly determine the covered parties.

By the lawyers sending letters to incorrect addresses no response could be expected,
which would mistakenly indicate approval."

Dated: September 21, 2021

Michelle Breske

A handwritten signature of Michelle Breske, appearing to read "M Breske".
Branch Manager, Terex Utilities
200 Edenway Drive
White House, TN 37188

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WORKS FOR YOU.

RECEIVED
OCT 04 2021
SEAN F. COX
U.S. DISTRICT JUDGE

Bearings Direct Purchaser Antitrust Litigation
P.O. Box 4230
Portland, OR 97208-4230



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NOBLE CONSTRUCTION EQUIPMENT
INC
200 EDENWAY DR
WHITE HOUSE TN 37188-8146

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**IN RE AUTOMOTIVE PARTS ANTITRUST
LITIGATION**

**CASE NO. 12-MD-02311
HON. SEAN F. COX**

In Re: BEARINGS CASES

**THIS RELATES TO:
ALL DIRECT PURCHASER ACTIONS**

**2:12-cv-00501-SFC-RSW
2:15-cv-12068-SFC-RSW**

**NOTICE OF SETTLEMENT CLASS COUNSEL'S
REQUEST FOR AN AWARD OF ATTORNEYS' FEES**

TO: ALL DIRECT PURCHASERS OF BEARINGS IN THE UNITED STATES DIRECTLY FROM ANY OF THE DEFENDANTS FROM JANUARY 1, 2000 THROUGH MARCH 21, 2017.

PLEASE READ THIS NOTICE CAREFULLY. YOUR LEGAL RIGHTS MAY BE AFFECTED BY LITIGATION NOW PENDING IN THIS COURT.

WHAT IS THE PURPOSE OF THIS NOTICE AND WHY WAS IT SENT TO ME?

This Notice is given pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Eastern District of Michigan, Southern Division. The purpose of this Notice is to inform you of Settlement Class Counsel's request for an award of attorneys' fees and a hearing thereon, and to provide information about that request. The Notice also advises you of your rights to object to the request.

BACKGROUND

Plaintiffs brought antitrust claims against bearings manufacturers. The litigation and the settlement with the Schaeffler Defendants relate to both automotive and industrial machinery Bearings purchased **directly** from a Defendant.

You were previously notified of the existence of this litigation, the nature of the Plaintiffs' claims, and a \$16,538,888 settlement (the "Schaeffler Settlement Fund") with Defendants Schaeffler Group USA Inc., Schaeffler Technologies AG & Co. KG (formerly Schaeffler Technologies GmbH & Co. KG), and FAG Kugelfischer GmbH (collectively, "Schaeffler"). On November 15, 2017, the Court approved the settlement and certified a Schaeffler Settlement Class.

At that time, Plaintiffs did not seek an award of attorneys' fees in connection with the Schaeffler settlement approval process, but they did ask the Court to permit them to use up to 20 percent of the Schaeffler settlement proceeds to pay litigation expenses, which included costs for expert witnesses, depositions, document reproduction and review, and other costs incurred in prosecuting the case. The Court granted Plaintiffs' motion by Order dated November 27, 2017.

Plaintiffs continued to prosecute the litigation against the remaining Defendants. Plaintiffs alleged that the Defendants engaged in anti-competitive conduct, including coordinated price increases to recover increased steel costs from all of their customers. Plaintiffs reviewed millions of pages of documents, took and defended scores of depositions both in the United States and overseas, and worked extensively with their experts in support of their motion for certification of a class of direct purchasers of Bearings from the Defendants in the United States and with respect to injury and damages.



Following extensive motion practice, depositions of the parties' experts, and hearings, the Court denied Defendants' motions to exclude the reports and testimony of Plaintiffs' experts. Subsequently, the Court denied Plaintiffs' class certification motion. Plaintiffs sought leave to appeal the Court's class decision, but that petition was denied.

WHO IS IN THE SCHAEFFLER SETTLEMENT CLASS?

The Schaeffler Settlement Class is defined as follows:

All individuals and entities (excluding any Defendant and its present and former parents, subsidiaries, and affiliates) that purchased Bearings in the United States directly from one or more Defendant from January 1, 2000 through March 21, 2017.

For purposes of the Schaeffler Settlement Class definition, the Defendants are: Schaeffler Group USA Inc.; Schaeffler Technologies GmbH & Co. KG (now Schaeffler Technologies AG & Co. KG); FAG Kugelfischer GmbH; JTEKT Corporation; Koyo Corporation of U.S.A.; Koyo France SA.; Koyo Deutschland GmbH; Nachi-Fujikoshi Corp.; Nachi America Inc.; Nachi Technology, Inc.; Nachi Europe GmbH; NSK Ltd.; NSK Americas, Inc.; NSK Europe Ltd.; NSK Corporation; AB SKF; SKF GmbH; SKF USA Inc.; NTN Corporation; NTN USA Corporation; NTN Walzlager GmbH; and NTN-SNR Roulements SA.

WHAT ARE SETTLEMENT CLASS COUNSEL REQUESTING?

Plaintiffs DALC Gear & Bearing Supply Corp., McGuire Bearing Company, and Sherman Bearings, Inc. were appointed by the Court to serve as Class Representatives for the Schaeffler Settlement Class. The Court appointed the law firms of Freed Kanner London & Millen LLC, Kohn, Swift & Graf, P.C., Preti Flaherty Beliveau & Pachios LLP, and Spector Roseman & Kodroff, P.C. to serve as "Co-Lead Settlement Class Counsel" for the Settlement Class. These firms, together with other firms including Cera LLP and Cohen Milstein Sellers & Toll PLLC, which worked extensively with Co-Lead Settlement Class Counsel on this case, are referred to collectively as "Settlement Class Counsel."

On August 20, 2020, the Court granted Settlement Class Counsel's motion for reimbursement of litigation costs and expenses in the amount of \$6.5 million and authorized service awards of \$50,000 to the class representatives. No attorneys' fees for this settlement have been previously requested or awarded.

Settlement Class Counsel, together with other law firms that have worked on this litigation, now intend to file a motion for an award of attorneys' fees for their efforts in prosecuting this case since its inception, which will be available for you to review on the website for this litigation at www.AutoPartsAntitrustLitigation.com/Bearings. Settlement Class Counsel are requesting a fee award in the amount of one-third of the net Schaeffler Settlement Fund, which is currently approximately \$6.6 million.

If you are a member of the Schaeffler Settlement Class and you wish to object to the request for an award of attorneys' fees you must do so in writing in accordance with the procedures for objections set forth below. If you do not oppose Settlement Class Counsel's request, you do not need to do anything.

WHEN WILL THE COURT CONSIDER THIS MATTER AND HOW CAN I TELL THE COURT WHAT I THINK?

The Court will hold a hearing on November 18, 2021, at 2:00 p.m., at the Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, Courtroom 272 (or such other courtroom as may be assigned for the hearing), to determine whether to approve Settlement Class Counsel's request for an award of attorneys' fees. If the Court believes that it is appropriate, the hearing may be conducted remotely by telephone or other electronic means. If the Court decides to hold the hearing remotely, Settlement Class Counsel will post that information on the website for this litigation (www.AutoPartsAntitrustLitigation.com/Bearings) and provide any class member that has informed the Court that it intends to participate at the hearing the information required to do so remotely. The hearing may be rescheduled, continued or adjourned, and the courtroom assigned for the hearing may be changed, without further notice to you. The Court may rule on the papers if no objections are timely filed.

If you remained a member of the Schaeffler Settlement Class and you wish to object to Settlement Class Counsel's request for an award of attorneys' fees, you must do so in writing at your own expense. Any objection must include the caption of this litigation, must be signed, and must be **filed no later than October 18, 2021**, with the Clerk of Court, United States District Court for the Eastern District of Michigan, Southern Division, Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, and mailed to the following counsel, **postmarked no later than October 18, 2021**:

Gregory P. Hansel
 PRETI FLAHERTY BELIVEAU &
 PACHIOS LLP
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 Telephone: (207) 791-3000

Joseph C. Kohn
 KOHN, SWIFT & GRAF, P.C.
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Steven A. Kanner
 FREED KANNER LONDON &
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 Telephone: (224) 632-4500

Eugene A. Spector
 SPECTOR ROSEMAN & KODROFF, P.C.
 2001 Market Street, Suite 3420
 Philadelphia, PA 19103
 Telephone: (215) 496-0300

Co-Lead Settlement Class Counsel

If you do not object to Settlement Class Counsel's request for an award of attorneys' fees, you do not need to appear at the hearing or take any other action.

WHAT SHOULD I DO IF I WANT MORE INFORMATION?

The Settlement Agreement, Complaint, and other public documents filed in this litigation are available for review during normal business hours at the offices of the Clerk of Court, United States District Court for the Eastern District of Michigan, Southern Division, Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, and through the Court's Public Access to Court Electronic Records (PACER) system for a modest fee. Copies of the Settlement Agreements and certain other documents relevant to this litigation are available at www.AutoPartsAntitrustLitigation.com/Bearings. Questions concerning the Schaeffler settlement and Settlement Class Counsel's request for an award of attorneys' fees or anything else in this Notice may be directed to any of the Settlement Class Counsel identified above.

Please do not contact the Clerk of the Court or the Judge.

Dated: September 13, 2021

BY ORDER OF:

The United States District Court for
 the Eastern District of Michigan,
 Southern Division



TEREX
UTILITIES

200 Edenway
White House, TN 37188

RECEIVED
OCT 25 2021
U.S. CLERK'S OFFICE
U.S. DISTRICT COURT
DETROIT MI, 48226

Clerk of US Court Eastern District of MI, Southern Division
Theodore Levin US Courthouse
231 West Lafayette BLVD
Detroit MI, 48226

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CLERK'S OFFICE
U.S. DISTRICT COURT

48226-270099

FOR VERIFICATION